THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24732 OF2005

DATED:23.11.2005

Between:

C. Mukesh Singh and others

…Petitioners

And

The Collector, R.R.Dist.,

Saifabad, Hyderabad and others

…Respondents

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WRIT PETITION NO.24732 OF 2005

ORDER:

The four petitioners allegedly purchased an extent of Ac.0.19 gts. in S.No.108 of Nanakramguda Village. The land, along with other lands, was acquired by first respondent under the Land Acquisition Act, 1894 (for short, the Act). In this Writ Petition, the petitioners assail the notification dt.25.3.2003 issued under Section 4(1) of the Act, and also seeking a declaration that the process of acquisition is contrary to Section 9, 11A, 17(3A) of the Act.

At the stage of the admission itself, learned Assistant Government Pleader for Land Acquisition brought to the notice of this Court that after following due process of law, an award is passed by the Land Acquisition Officer and Special Deputy

Collector, Industries, Hyderabad on 7.11.2005, vide proceedings No.B/82/2003. It is further brought to the notice of this Court that in view of the orders of stay granted by this Court in W.P.M.P.No.21361 of 2003 in W.P.No.17204 of 2003, dt.19.8.2003, the award could not be passed earlier, but excluding the period of stay, the award passed on 7.11.2005 is within time as prescribed under the Act.

Learned counsel for the petitioners, Sri Mehar Chand Nori, raised various submissions *inter alia* in the absence of any agreement between the Government and the fifth respondent, for the benefit of which the land is acquired, the entire acquisition is violative of provisions contained in Part-VII of the Act. It is also submitted that though the notification was issued on 25.3.2003, award is not passed within a period of two years as contemplated under Section 11A of the Act and therefore the proceedings have lapsed. These contentions are refuted by the learned Assistant Government Pleader for Revenue.

It is brought to the notice of this Court that the notification, which is impugned in this Writ Petition, is subject matter of a batch of cases, being W.A.Nos.294 of 2005 and batch, and a Division Bench of this Court by judgment dt.7.10.2005 upheld the notifications. In that view of the mater, all the contentions raised in this Writ Petition are no more *res integra*. However, insofar as the claim of the petitioners is concerned, the petitioners claim title through Sri Seetal Singh and Sri Laxman Singh, who were also issued notices under Section 9(1) and 10 of the Act. A perusal of the copy of the award produced before this Court would show that these persons do not file any claim petition in the award enquiry and therefore the Land Acquisition Officer deferred payment for want of claim petitions. Therefore, nothing prevents the petitioners to approach the Land Acquisition Officer to claim the amount awarded, by producing necessary proof of their title to the land. Liberty is given to the petitioners to approach the Land Acquisition Officer and Special Deputy Collector (Industries), Hyderabad to claim compensation. Except making these observations, the writ petitioners are not entitled for any relief in this Writ Petition.

The Writ Petition with the above observations is accordingly disposed of.

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(V.V.S.RAO, J)

23.11.2005

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